

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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WILLIE MCCORMICK & ASSOCIATES, INC.,

Plaintiff,

v.

Case No. 12-15460

LAKESHORE ENGINEERING SERVICES,  
INC., *et al.*,

Defendants.

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**OPINION AND ORDER GRANTING IN PART  
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

Following the court's December 20, 2013, "Opinion and Order Granting Defendants' Motions to Dismiss With Prejudice," and a stipulated order of dismissal as to Defendant Mercado, only Defendants Kwame Kilpatrick, Derrick A. Miller, Bobby W. Ferguson, Ferguson's Enterprises, Inc., and Xcel Construction Services, Inc. remain in this action. On February 6, 2014, the clerk entered default as to Defendants Kilpatrick, Ferguson, Ferguson's Enterprises, Xcel Construction, and Miller, and on February 28, 2014, Plaintiff filed a motion for default judgment. The court held a hearing on April 23, 2014, in which it expressed skepticism that Plaintiff's antitrust and RICO claims could survive, given the court's December 20 order. However, the court deferred ruling on the issue and granted Plaintiff approximately 90 days to conduct third-party discovery into the amount of damages that would be owed under its claim alleging a violation of its rights under the equal protection clause of the fourteenth amendment. 42 U.S.C. § 1981; 1983.

Since that time, Plaintiff has filed a motion seeking relief from the court's December 20 order. Defendants have filed a response, and the matter is currently under the court's consideration. In the meantime, however, the court sees no reason why default judgment should not be entered in favor of Plaintiff on its equal protection claim against Defendants Kilpatrick and Miller. Regarding the remainder of Plaintiff's antitrust and RICO claims against Defendants Kilpatrick, Ferguson, Ferguson's Enterprises, Xcel Construction, and Miller, the court will defer ruling on default judgment for these claims until after Plaintiff's motion for relief from judgment has been resolved. Accordingly,

IT IS ORDERED that Plaintiff's motion for default judgment (Dkt. # 114) is GRANTED IN PART and default judgment in favor of Plaintiff will be entered on count IV of the amended complaint. The court will order further briefing on the issue of damages once Plaintiff's motion for relief from judgment has been resolved.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: September 30, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 30, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522